IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

WP(C).No. 7658 of 2004(J)

OS.144/2002 of MUNSIFF COURT, ETTUMANOOR

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PETITIONER:

K.K.KRISHNANKUTTY S/O. KUTTAPPAN,
KASANKULATHIL, KAIPUZHA VILLAGE AND KARA.

BY ADV. SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE

RESPONDENTS:

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1. ACHUTHA SHENOY,
S/O. RAMACHANDRA SHENOY,
LAKSHMI NIVAS, KAIPUZHA VILLAGE AND KARA.

2. SUSHEELA BHAI, D/O. RAMACHANDRA SHENOY,
LAKSHMI NIVAS, KAIPUZHA VILLAGE AND KARA.

3. PREAMKUMAR, S/O.RAMACHANDRA SHENOY,
LAKSHMI NIVAS, KAIPUZHA VILLAGE AND KARA.

4. SATHEESHKUMAR, S/O. RAMACHANDRA SHENOY,
LAKSHMI NIVAS, KAIPUZHA VILLAGE AND KARA.

5. JAYAKUMAR, S/O. RAMACHANDRA SHENOY,
LAKSHMI NIVAS, KAIPUZHA VILLAGE AND KARA.

6. RANGANATHA SHENOY,
KAZHUTHADIYIL HOUSE, PADINJATTUBHAGAM KARA,
ATHIRAMPUZHA.

7. RAMESH, KAZHUTHADIYIL HOUSE,
PADINJATTUBHAGAM KARA, ATHIRAMPUZHA.

8. SURESH, KAZHUTHADIYIL HOUSE,
PADINJATTUBHAGAM KARA, ATHIRAMPUZHA.

9. PURUSHOTHAMA SHENOY,
KAZHUTHADIYIL HOUSE, PADINJATTUBHAGAM KARA,
ATHIRAMPUZHA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC : 7658 OF 2004

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF THE PLAINT IN OS NO.144 OF 2002 OF THE MUNSIFF'S COURT, ETTUMANOOR.

EXT.P2 : TRUE COPY OF THE ORDER OF THE MUNSIFF'S COURT, ETTUMANOOR IN OS NO.144 OF 2002 DT.10.10.03.

EXT.P3 : TRUE COPY OF PETITION FILED AS IA NO.1554/2003 IN OS NO.144/2002 DT.28.11.2003 OF THE MUNSIFF'S COURT, ETTUMANOOR.

EXT.P4 : TRUE COPY OF THE COMMISSIONER'S REPORT IN OS NO.107/2002 OF THE MUNSIFF'S COURT, ETTUMANOOR DT.20.06.02.

EXT.P5 : TRUE COPY OF THE ORDER IN IA NO.1554/2003 IN OS NO.144/2002 OF THE MUNSIFF'S COURT, ETTUMANOOR DT.19.01.2004.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 7658 OF 2004

Dated this the 26th day of July, 2007

JUDGMENT

Even though the impugned orders, Ext.P2, which finds that the valuation of the suit presently made is not proper and that the suit will have to be valued under Section 25 B at least at the purchase price of Rs.1,75,000/- shown in the title document and Ext.P5 order dismissing the application seeking review of Ext.P2 were flayed by Sri.Philip T.Varghese, learned counsel for the petitioner very strongly, I am unable to agree that those orders are vitiated to the extent of warranting interference by this court in its visitorial jurisdiction, challenge against those orders fail. However, the petitioner is given one more month's time from today for remitting the court fee re-determined by the impugned orders.

The Writ Petition is disposed of as above.

PIUS C. KURIAKOSE, JUDGE

btt